









THE  
PRINCIPLE  
OF THE  
ECCLESIASTICAL COMMISSION

EXAMINED,

IN A

L E T T E R

TO THE RIGHT REV.

THE LORD BISHOP OF CHICHESTER.

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BY

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## ADVERTISEMENT.

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THIS letter was in the press, when there appeared in the public papers, a draft of a *fifth* Report of the Ecclesiastical Commissioners, affecting the Cathedral bodies; *but no signatures were attached to it.*

It appears that a *fifth* Report was nearly completed, when ministers introduced the measure for throwing the burden of Church Rates on the Episcopal and Capitular property. After that time the Episcopal members of the Commission ceased to meet, or to act, except to carry out resolutions already become law by the statute of August, 1836. The *fifth* Report appears, therefore, only *as a draft*, having *never been signed or finally sanctioned by the Commissioners*. It is now made public on the sole responsibility of government, as a first step, it would appear, to redeem the pledge given by Lord John Russell in

November last, that in the present session a measure affecting the Cathedrals, with certain changes not specified, would be laid before parliament.

The Bill is therefore to be regarded as no more than a measure of government, and every change made in it, as a further discharge of the Episcopal Commissioners from any share of the responsibility.

It is also to be remembered, that the Ecclesiastical Commission, as a royal *Commission of inquiry*, died a natural death at the end of six months from the demise of his late Majesty.—It must *be renewed, before it can again act to inquire and recommend*; and it now sits only as a Parliamentary Commission, to carry into effect the statute respecting Dioceses and Episcopal property.

The Church has therefore at this moment another, it may be, a last opportunity of averting the stream of innovation now threatening us, by earnestly petitioning against the re-appointment of the Commission, and for the royal licence to revert to our acknowledged Ecclesiastical Constitution, founded on Apostolical order, and sanctioned by the laws of the realm.



A  
L E T T E R,

&c.

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MY LORD,

IF I should seem to take upon me too much in addressing your Lordship, on a question so high and momentous as the appointment of the board of Ecclesiastical Commissioners for England and Wales, I must appeal first to your Lordship's wonted kindness, and next to the sacred office, which forms a link of peculiar closeness between a Bishop and his Clergy. In our minds your Lordship is not only one of the Apostolical body, to whose united wisdom and equal authority the Church in this land is, by a divine commission, put in charge, but also the sole consecrated Ruler and Guardian of the Church, and Diocese, to which we belong. Our Bishop is to us the source of authority and the centre of unity in order deliberation and discipline. In

his suffrage our assent and dissent is virtually expressed. We believe that no power, spiritual or ecclesiastical, excepting only the collective authority of the whole Episcopal order to which supreme jurisdiction all Bishops are severally subject, can reach us, unless it pass through his express permission. Your Lordship is therefore both the natural protector of our privileges, and the natural depository of our fears.

The Convocation of the Province of Canterbury has lately met for the first time since the establishment by Parliament of a Perpetual Corporation, entitled the Ecclesiastical Commissioners for England and Wales, and has been prorogued without any *formal* expression of opinion upon this transfer of Ecclesiastical Legislation from the spiritual powers duly convened to a new authority.

From the fact of Convocation having offered no open remonstrance, it might be inferred, that the Clergy approve, or at least are indifferent on the subject. We have been already told, that the greater proportion of the Clergy are in favour of the Commission, that they have expressed their consent by their silence; that the Cathedral bodies, indeed, as persons interested, have unanimously protested, but that the Parochial Clergy tacitly approve the recommendation of the Commissioners. Indeed the Commission itself has very lately been spoken

of as “the Church.” I believe these assertions are all alike, without a shadow to rest upon. If the inferior Clergy have been silent, it is either from an unwillingness to meddle in so grave a question, or from the fact that they have been altogether *unconscious of the very existence of the perpetual corporation*. Those that were present in the lower house of Convocation well know what feeling there prevailed, and what were the reasons, which determined the movers and supporters of certain amendments on this subject to suffer them to drop. The memorials of the Chapters have been supported by petitions from many archdeaconries ; and, I trust, if the Parochial Clergy, even the poorest of them, could imagine that their assumed approval of a measure, to reduce the Cathedral Chapters *in their favour*, could be urged as an argument to recommend it, they would at once and with one mouth both disavow such an imputation, and declare their conviction of the inexpediency, to say the least, of the scheme proposed.

I may also venture to add, that I cannot remember having met any one, who has not expressed his regret and alarm at the very existence of the Ecclesiastical Commission. The objections against it are of course as manifold as the persons objecting. Some lament the stipendiary character to which the revenues of our Bishops are already reduced ; some the taking away of

spiritual guardians and rulers from three several flocks ; some the proposed reduction of the Cathedral bodies, as a measure fraught with untold mischief to the internal discipline of each diocese in particular, and, by a remote, but necessary bearing, to the Faith of the Church at large. Some of the highest legal authorities, I hear, have given as their opinion that the Ecclesiastical Commission is in itself unconstitutional ; but the objection I would endeavour to establish is far beyond all these in weight and importance.

The late Lord Bishop of Durham on the second reading of the Bill affecting the Temporalities of the Irish Church, grounded his opposition to that measure upon the following objection. “ The first leading feature of the bill is the appointment of what are called Ecclesiastical Commissioners, which although a body composed partly of Clergymen, and partly of laymen, is to carry into effect many provisions of the bill *directly affecting Episcopal authority*, and to have the control of almost the whole government of the Church. This appears to be an unwarrantable, and unprecedented power to give to a body so constituted. Many Commissions, we know, have at different times been formed of a similar kind, but I believe almost all, if not all of them, have been formed for inquisitorial purposes, for collecting facts, and observations rela-

tive to the Church, and sometimes for suggesting measures grounded upon such collected information; and to Commissions so constituted, and for such purposes, no reasonable objection can be alleged. But to invest such Commissioners to a great extent with the *executive administration* of the Church has perhaps never hitherto been proposed, and seems to militate against the *fundamental rights of the Church as a spiritual body*<sup>1</sup>."

Under the ample shelter of this authority I would venture respectfully to object to the Ecclesiastical Commission for England and Wales, as nothing less than a *virtual extinction of the polity of the Church*, and an open assumption of the principle that all legislative authority, Ecclesiastical as well as civil, is derived from the secular power, so that of the two co-ordinate authorities, which embrace and order a Christian Commonwealth, one is thereby absorbed into the other.

And now I desire, at the outset, to separate the members of the Commission from the *principle* of its constitution. Many feelings would make me sincerely sorry if any thing in this letter could be mis-construed into disrespect towards the most reverend the Archbishops, and the Bishops included in that body. I have the

<sup>1</sup> Mirror of Parliament, July 17, 1833.

satisfaction of knowing that your Lordship at least will at once acquit me of such a charge. It is the *principle* alone I desire to examine, as if the act of Parliament, by which the Commission was incorporated, had been drawn in blank, and the names of the Commissioners not even as yet filled in.

But before I attempt to consider the Ecclesiastical Commission in particular, suffer me first to refer generally to the nature of the polity of the Church, and to the steps which have prepared the way for its present virtual extinction.

And first as to the nature of the Ecclesiastical polity. In addressing your Lordship, it is my privilege to assume without proof, that the Church by her Apostolical Commission is empowered to *govern*, as well as to *minister* in the name of Christ: that this power of Government is not only *judicial*, but *legislative*. The polity of the Church then, is not the ministerial power in the Word and Sacraments, nor the judicial in the infliction of censures, but the organized system of Councils, Provincial and Diocesan, which are at the same time the outward witness of her rights and the form of administering her legislative commission<sup>1</sup>. Through this organization the Church from the beginning developed her inward life, and adapted herself

<sup>1</sup> Note A in the Appendix.

with a consummate wisdom to every grade of the existing civil state. As for instance, in the cities of the empire where there was a Civil Magistracy, the Church would erect an Ecclesiastical, a Bishop, and his Chapter of Presbyters; in each province a Metropolitan; and in the larger divisions a Patriarch. It was also provided by the canons that the sees, except the Metropolitan, should follow the changes of the civil arrangement<sup>1</sup>. This coincidence of polity is sometimes hastily imagined to be the act of the Civil Power: whereas it was the wise and spontaneous legislation of the Church before there was a Christian Civil Power in the world. The Church had the *initiative* in point of time and fact. The aim was no doubt so to embrace the civil institutions with an universal fitness and correspondence of degree as to realize the idea of a Christian Commonwealth foreshadowed in Israel, consisting in a perfect sameness, and identity of all its parts. And thus at the conversion of the empire there were standing side by side two absolute powers, and two distinct but coincident systems, with their respective authorities, legislative and judicial. At the age of Constantine, the salient point of Erastian theories, the Church is supposed to have entered into some compromise and adjust-

<sup>1</sup> Note B in the Appendix.

ment of powers with the State : but the Church could not, as a matter of *right*, and did not as a matter of *fact*, yield a shadow of the absolute legislative authority vested in her by Apostolical Commission. Not only the Church did not concede, but many of the Emperors again and again disclaimed Ecclesiastical authority. The same organized system of councils continued still to exercise the same functions, and to do the same acts, for, like parallel lines, the Civil and Ecclesiastical authorities could never cross each other. The one only difference was, that henceforth the empire added the *force of law* to the Canons of the Church. The *initiative* was as exclusively as ever in the Ecclesiastical rulers: the Emperors only *confirmed* what had been already *resolved*; so that although we find in the Imperial Constitutions many notices of Ecclesiastical persons and causes, yet they initiated nothing, but confirmed by their authority, what the Ecclesiastical Councils had before determined <sup>1</sup>. “The right of Secular powers in Ecclesiastical matters is not *destructive*, but *cumulative*; that is, it is not able to abolish or defeat any part of that power which, by the constitution of the Church, is settled upon Ecclesiastical persons, but stands obliged to the maintenance and protection of it. For seeing this power (*the right of giving laws to*

<sup>1</sup> Note C in the Appendix.



*the Church*) is a very considerable part of that right which God hath established in His Church, it follows necessarily that no power ordained to the maintenance of all parts thereof, (as the civil) can extinguish this<sup>1</sup>." New *duties* therefore, and not new *powers*, resulted to the empire when it became Christian, such as to enforce discipline by the weight of the Civil Sword; to further the efforts of the Church by worldly maintenance, and to protect it in person and property; and this seems to comprehend the whole idea of a Church *established*.

I have ventured to dwell the longer on this point, because it faithfully exhibits the outline of the Church in these kingdoms. We can trace the same polity, the same legislative functions, the same spontaneous adaptation of herself to the Civil State, the same exclusive privilege of initiating, and the same after-confirmation of the Civil Powers<sup>2</sup>. Throughout the alternate struggles and encroachments of the Pontificate and the Regale, the primitive polity of the Anglican Church may be clearly traced. And although on either side of it arose new and informal assemblies, the one summoned by Papal, the other by Royal authority, yet the

<sup>1</sup> Thorndike's *Right of the Church in a Christian State*, 168.

<sup>2</sup> Note D in the Appendix.

provincial and diocesan councils existed until the time of King Henry the Eighth.

And now in tracing some of the steps which have prepared the way for the virtual extinction of this Ecclesiastical Constitution, I shall not detain your Lordship by entering upon the difference between the Provincial Council, and the Provincial or Parliamentary Convocation. It is enough to remark, that the latter had its first rise in the reign of Edward the First, was convened by royal mandate, and for secular purposes, on the principle of representing ecclesiastical property, and was in its constitution alien from the primitive polity of the Church <sup>1</sup>.

The first step was to suspend the functions of these ecclesiastical assemblies on the will of the crown. They were forbidden, under the penalty of *præmunire*, to meet, or when duly convened to confer to make canons without the King's licence <sup>2</sup>.

The next step was to convene not the primitive synods, i. e. the Provincial Councils, but the Parliamentary Convocation: the reason, perhaps, being, that the latter alone could grant subsidies from the property of the Church, and that for dispatch of business, and at the mandate of the Archbishop, by which its character

<sup>1</sup> Note E in the Appendix.

<sup>2</sup> 25 Henry VIII. c. 19.

was in fact changed to that of a Provincial Council, it had sometimes duly exercised the functions of ecclesiastical legislation.

The spiritual rulers being deprived of the power to make laws for the internal administration of the Church without the royal licence, Parliament, to which all prerogatives are ever passing, next resolved, that no canons made by the King and Convocation should be binding without its consent<sup>1</sup>. The legislative authority of the Church was thus suspended on a two-fold condition; and since the time that Convocation gave up the ancient usage of granting subsidies, the Civil Power having no further need of their assembling, has done by convocation what Charles the First was accused of desiring to do by Parliament—has governed without it. We may say, that since the year 1664 the councils of the Church have existed only in shadow.

“If these solemn and stated meetings of the Clergy in synod be wholly laid aside, it may bring the Church itself into danger hereafter, though

<sup>1</sup> Resolved upon the question, *nullo contradicente*: “That the Clergy of England, convented in any Convocation, or Synod, or otherwise, have no power to make any constitution or canons, or acts whatsoever, in matter of doctrine, discipline, or otherwise, to bind the Clergy or Laity of the land, without common consent of Parliament.” Dec. 15th, 1640.—*Abp. Wake’s State of the Church, &c.* 515.

it be now safe and flourishing. For when the representative body of the Clergy has lost their rights, can particular Clergymen hope to see their own long secure? It is true that, under our present governors, both in Church and State we need not question our safety; but since our present governors are not immortal, and we know not who shall succeed them, we may be allowed to fear what may be done by their successors, and desire to be secured against those fears. And it is to be hoped that they who now sit at the helm of ecclesiastical affairs will seriously consider the fatal consequences, which may happen to the Church, by the loss of her synodical rights, and heartily endeavour the restoration of them. That they may not only preserve the Church of England, as by law established, safe and flourishing during their own time, but, as far as is in their power, secure its safety to future generations <sup>1</sup>." These words were written one hundred and twenty-seven years ago. What had the writer added, if he could have known that, after a short and restless season, these synodical assemblies of the Church should be discontinued for one hundred and eighteen years; that the civil legislature should receive into itself members of every Christian sect, and that, so far from therefore laying aside

<sup>1</sup> Brett's Account of Church Government, &c. Pref. 1710.

its concurrent right of legislating in ecclesiastical affairs, so far from devolving it upon the laity in communion with the Church, or even taking care to restore the spiritual authority to a condition in which it might act co-ordinately to check or to consent, Parliament should claim not only the concurrent but the exclusive right to initiate and conclude measures of Ecclesiastical legislation; and lastly that Parliament should incorporate, and give perpetual succession to a Commission, consisting of five Prelates and eight lay-members, and invest them with powers to effect the most momentous changes in the internal order of the Church, without her counsel or consent?

Such being our present state, I would now endeavour to examine more particularly the *principle* of the Ecclesiastical Commission.

If it can be shewn that the *authority* of this body is purely *secular*, and that the *powers* with which it is invested are those of a *Provincial Council*, enough will be established to prove that it is nothing less than a virtual extinction of the Polity of the Church by extinguishing its legislative commission.

The standing majority of eight lay to five spiritual Commissioners might alone be enough to fix the character of that body; yet there is something in its title and first appearance, to incline us to regard it as of a mixed nature,

composed by way of adjustment and delegated authority, from the two co-ordinate powers in Church and State. And those that do not distinguish between Supreme *Ecclesiastical* power, and supreme *Civil* power in *Ecclesiastical* affairs, may imagine that somehow and in the main the Commission does but express the supremacy of the Crown. A little consideration, however, will make it plain that its Ecclesiastical semblance is nothing but a title—derived, not from the Ecclesiastical persons in part composing it, nor from a delegation of power from the Ecclesiastical authority, but from the fact of its entering upon the administration of Ecclesiastical affairs. And the following reasons will, I trust, be sufficient to show that it is only, and altogether secular.

For in the first place, whether it be regarded as a Royal Commission to enquire, or a Parliamentary to carry into effect, it derives its being, and its perpetuity, from the secular authority. It is therefore secular in its *origin*.

In the next place, it is constituted on a secular principle, all the members lay and spiritual being upon a parity, both in deliberating, and in resolving. The Episcopal members do not sit in the Commission any more than in Parliament in virtue of their Order. They exercise no authority as Bishops, nor can they communicate any diffused Episcopal sanction to the body at large. If the whole bench of Bishops were included in

the commission, with or without lay colleagues, still, as Commissioners, they would only be Commissioners of Parliament. And if the whole number were lay Lords and Commoners, they would possess not a shadow less of *Ecclesiastical* power than the present mingled body. As a further proof of this may be added, that the presence of *any* Bishops in the Commission is by the mere choice of the civil powers : for the principle of the Episcopal government requires the presence of *all* ; but as this principle is not acknowledged in the appointment of the commission, all might be excluded, and the present clause requiring the signature of an Episcopal Commissioner, the only shadow of distinction, falls likewise. It is therefore secular in the *principle* of its *constitution*.

To this need hardly be added, that more than three fourths of the Commissioners being removable by the Crown it must ever be secular in its *leanings* and *policy*.

Such being the nature of the Commission, suffer me next to examine the character of its powers. And in doing so, it is unnecessary to enter upon the distinction between Ecclesiastical and Spiritual matters, for it will be enough if it can be shown that the Civil authority under an Ecclesiastical semblance is at present exercising the powers rightfully belonging to a Provincial Council.

The first instance I would bring, carefully excluding the whole subject of temporalities and endowments, and even for the argument's sake yielding the absolute disposal of these to the Civil Government, is the power affecting the *duties*, the *position*, and even the *existence* of Episcopal Sees.

That the power to erect or suppress Bishoprics, to remove Sees, to divide or unite Dioceses, constitutes one of the main functions of a Provincial Council, may be proved both by the principle of the Apostolical Government and the precedents of history.

For, in the first place, the power of *erecting a Bishopric* is one and the same with the power of *consecrating and giving mission to a particular see* ; and this is the vital and incommunicable function of the Episcopal order. The Civil powers may *approve* and *endow*, but as they can give neither *consecration* nor *mission*, they can in no sense *erect* a Bishopric<sup>1</sup>.

By the Canons of the Church the exercise of this power is restricted to the Council of Provincial Bishops. Of the many Canons which might be cited, I will forbear to bring more than one, which is both the witness of Primitive order, and the rule of consecration to this very day. The fourth Canon of the Council of Nice

<sup>1</sup> Note F in the Appendix.



ordains that “a Bishop ought to be constituted by all the Bishops that belong to the Province : but if this be not practicable by reason of urgent necessity, or the length of the way, three must by all means meet together, and when they have the consent of those that are absent, signified by letter, then let them perform the ordination, and the ratification of what is done must be allowed to the Metropolitan in every Province.” The consent of the Provincial Bishops is also necessary to the admission of a Bishop by translation from another See.

And this principle contains in it, by a necessary force, the rule that a Provincial Council alone may extinguish a Bishopric, that is, diminish the number of the Episcopal body, and revoke the Episcopal succession from any existing See ; and indeed, the right to determine how many spiritual overseers are necessary for the flock of Christ in any church, must from the nature of the case ever reside inalienably in those to whom the cure of souls is divinely committed.

With this the precedents of history exactly accord. For the first five centuries the erection of new Sees was effected by the Metropolitan and a Provincial Council, without either the Royal authority, or even the mandate of the Roman Patriarch. In the sixth, seventh, and eighth centuries, Bishoprics were founded by the Metropolitan and Provincial Council, with the

concurrence of the Sovereign and the Pope. In the same centuries, and for two or three hundred years after, the division and union of Dioceses was effected by the concurrence of the same authorities. There are however exceptions in which the Royal authority was not obtained. After the eleventh century, the Roman Pontiff obtained the chief power, which is no greater, if so great a violation of Episcopal rights, as the sole antagonist supremacy claimed by the Emperors, with which also princes are by some invested at the present time; and yet, when even the Roman Pontiff was in his pride of place, the necessity of concurrence on the part of the Metropolitan and the Provincial Council was still acknowledged.

In no part of the Western Church was this principle more consistently maintained than in our own. The earliest bishoprics, after the mission of Augustin, were of course founded by the sole metropolitical power, the sanction of the Roman Patriarch being involved, and afterwards with the necessary concurrence of the Suffragans. When the Civil Powers became Christian, the Royal authority was superadded: and thus, as in other churches, the Metropolitan and the Provincial Council, the Sovereign and the Pope, concurred.

As, for instance, even the violent dismemberment of the province of Canterbury, and the

erection of Litchfield into an archbishopric, was effected by the Royal and Papal powers, by means of a synod at Calcyth<sup>1</sup>. And the whole proceeding was reversed by a Provincial Council, convened by Archbishop Aedelheard at Cloveshoo. The removal of the sees of Shirburn, Selsey, and Litchfield, to Salisbury, Chichester, and Chester, respectively, was likewise an act of the Council of London under Archbishop Lanfranc<sup>2</sup>. The council deferred the removal of other sees (Kirton to Exeter, Dorchester to Lincoln, Elmham to Norwich,) until the King should return from abroad<sup>3</sup>. Another case, almost the latest precedent (A. D. 1108) before the time of King Henry the Eighth, will exhibit the participation of the provincial bishops, namely, the erection of the see of Ely. At the death of Richard, Abbot of Ely, King Henry the First sent Harvey, Bishop of Bangor, who had been compelled to leave his see, to administer the affairs of the Church at Ely, while his case was pending. Harvey persuaded the monks to petition the king, that the monastery might be converted into a cathedral church, and proposed himself to fill the bishopric. The king con-

<sup>1</sup> "Papali, Regio, Legatino, Synodali decreto."—*Wilkins' note, Concil. i. 152.*

<sup>2</sup> Regia munificentia, et Synodali auctoritate.—*Wilkins' Concil. i. 363.*

<sup>3</sup> ——— dilatatum est usque ad Regis audientiam.—*Ibid.*

sented, and obtained the concurrence of Robert, Bishop of Lincoln, from whose diocese a portion was to be separated for the new see. Harvey then obtained from Pope Paschal letters to the king, to Anselm, Archbishop of Canterbury, and the *comprovincial bishops*: “*quibus visis assensum eorum obtinuit et sequenti anno totum negotium suum consummavit* <sup>1</sup>.”

From documents still existing, namely, a citation of Archbishop Peckham to the provincial bishops to attend a consecration, and from a form of excuse, conveying also an official concurrence, we may prove that the Nicene canon was *expressly* observed in the English Church so late as the fourteenth century: and that in fact the assembling to consecrate a bishop, is to this day a meeting of the Provincial Council <sup>2</sup>.

On the strength of this evidence it may be asserted, that, from the earliest time, down to the reign of King Henry the Eighth, the consent of the provincial bishops was an essential condition to acts affecting Episcopal sees. And it might be shewn that this primitive rule was not so

<sup>1</sup> Note G in the Appendix. The see of Carlisle was founded later (A.D. 1132). Thurstan, Archbishop of York petitioned the king, who consented; and the pope also concurred. The canons of the monastery had the right of election. The proceedings were, beyond all doubt, the same as in the case of Ely.

<sup>2</sup> Note H in the Appendix.

grossly violated by that monarch, as we are too often over-ready to admit.

At the suggestion of Archbishop Cranmer a bill was prepared, by which the king was empowered to transfer the temporalities of suppressed monasteries to the new sees<sup>1</sup>. The Civil authority, by this measure, conferred the endowments and civil privileges annexed to the Episcopal office. Beyond this it could not go. The consent of the Provincial Council was virtually given in the act of consecration by the canonical number of suffragans with the metropolitan. It is not necessary that we should attempt to bring all the violent proceedings of King Henry the Eighth into accordance with the rights and Canons of the Church. We know they were violated; and we cannot expect that violations should be taken by any honest mind as examples of rightful authority.

These over-reaches of the Royal prerogative are to be justified far more easily in civil than in ecclesiastical proceedings. On the lowest ground, our modern politicians who contend so vehemently for Tudor precedents in Church affairs, ought at least to abide by the same rule in constitutional questions: either to admit both, or reject both<sup>2</sup>. But precedents are our guides only

<sup>1</sup> Burnet's Hist. Ref. i. 262. 300. fol.

<sup>2</sup> The Bishopric of Westminster was erected and suppressed by letters patent, and the Bishop Thirleby translated to Nor-

where no antecedent principles exist : we must in such cases gather our rule as best we may, by an induction of particular cases : but where principles have existed by an original ordinance, contrary precedents are only breaches and violations. There is perhaps no surer test of the soundness of our opinions than this, whether we draw our principles from after precedents, or try the precedents of history by the rule of Apostolical practice.

It is enough then to shew, that in the main, the primitive rule was at least so far preserved that it may be at any time restored, by simply converting an *implied consent* into an *express concurrence*.

But is there no difference between the *erection* and the *suppression* of a Bishopric ? If the civil power should take away all it gave, the revenues, the title, the privileges of state,—yet the consecrated overseer of Christ's flock still re-

wich. It was reunited with London.—*Dugdale, Monast: Angl:* 1. 280, 281. Burnet says : “ Some gaping after the lands of both, procured their union.”—*Hist. Ref.* ii. 150. fol. Heylin mentions, that “ the Bishopric of Durham was dissolved by Parliament, under the pretence of patching up the king's revenue.”—*Heylin's Hist. Ref.* 136. It survived, however, to be saddled, by Queen Elizabeth, with a charge of £1000 a year to maintain the garrison of Berwick.—*ibid.* 311. Gloucester was also suppressed (1552), and converted into an exempted Archdeaconry.—*Burnet, Hist. Ref.* ii. 203. These and many more might be quoted, but will hardly be deemed *precedents*.

mains ; no power can recall him but that which gave his spiritual commission. The same hands that lengthened out the apostolic line can alone break it off. Here lies the mistake. Politicians treat Bishoprics as a simple element, to be made or unmade by the omnipotence of Parliament. They do not remember that there are combined two elements, an earthly and an heavenly ; two authorities, one of man and one of God. If the earthly and the human be removed, yet that which cannot be shaken, the divine and heavenly, must remain. We cannot, indeed, believe that the Church should at any time hesitate to accept, within the limits of the Canon <sup>1</sup>, the munificence of kings, and to multiply the consecrated rulers of Christ's people. For in the multitude of Bishops is, under God, the safeguard of the faith, and the strength of discipline. But it is not equally credible, that the Church should at all times, nay, at any time, consent to the diminution of the number. It consented readily to increase it, when, in the time of

<sup>1</sup> The canons forbid the erection of Bishoprics in towns where there is already the succession, or in villages. It is remarkable that Pope Paschal, in the letter referred to above, to the king, in the matter of Ely, gives his consent : " ita tamen ut in celebri loco constituatur, ne nomen Episcopi, quod absit, vilescat ;" under the censure of which canon, Archbishop Usher's proposal to convert all rural deans into suffragans would directly fall.

King Henry VIII, with a population of about 4,000,000, it was proposed by Archbishop Cranmer to raise the number of sees from twenty-one to about sixty<sup>1</sup>; but it is not easy to imagine, that the collective wisdom of our Bishops would resolve, now that, with the same number of Bishops, the population has grown beyond 15,000,000, to suppress the see of Sodor and Man, and assign the island to the remote and inconvenient oversight of the Bishop of Carlisle. It is reasonable to believe that a Provincial Council would resolve to meet the exigencies of a population now more than threefold, by thrice the number of Bishoprics: that our present spiritual rulers should thus become Metropolitans, and on that distinction from their suffragans, continue to enjoy their baronial rank and privileges of parliament.

We have yet to see the Provincial Council that will consent to make an orphan of the Isle of Man, and to establish the precedent of cutting off the oldest succession in our Churches, perhaps excepting Bangor, which, by a like fatality, is doomed to forfeit an inheritance of 1400 years. When a Provincial Council shall have duly consented, the Presbyters of the Church would acknowledge the authority to be unim-

<sup>1</sup> Cranmer proposed fifteen or twenty new sees, and twenty-six suffragans. Only five sees were in the end erected, making the total twenty-six.



peachable, though their feelings might not be changed as to the nature of the act.

I shall now touch very lightly on another instance of power belonging to a Provincial Council, exercised by the Civil authority; namely, that of *affecting the internal affairs of dioceses*. The integrity of each Bishopric, as to jurisdiction and independence of all authority, except of the collective power of the Provincial Synod, is an axiom as old as Episcopacy itself. The ordination and mission of Presbyters to particular cures, whether scattered abroad in the diocese, or gathered in a successive Presbytery at the cathedral city, around the Bishop's throne, are the most vital functions of the Episcopal office, on which jurisdiction and unity and the welfare of the flock alike depend. A long line of canons running through the ancient councils, proves at one and the same time, the liability of these rights to be invaded, and the sacredness with which the church invested them.

It has been proposed, that the Ecclesiastical Commission should be empowered by parliament, both to divide parishes, and to reduce the cathedral presbyteries. And what is this but a grave violation of the integrity of the diocese, and a breach of spiritual jurisdiction enveloped in the guise of a mere redistribution of temporal endowments? Is not each several Bishop

competent to resolve on the union or division of his parishes, and can not parliament provide him by a direct conveyance with the necessary secular powers? Why, under an idea of centralization and efficiency, is the whole genius of the apostolic government to be superseded by an external parliamentary board ?

The cathedral chapters are the witnesses of a compact and vigorous diocesan government of the most primitive age<sup>1</sup>, and now, in these days of lax and paralysed discipline, they are not only capable of becoming so again, but are the readiest, perhaps the only way of restoring to our ecclesiastical system the solidity and strength of the Apostolical government. They have ever been, whether as maintenance or reward, the especial, and almost exclusive means of preserving the purity of the faith, not only by fostering in the time of their earthly warfare, the great teachers and exemplars, now in rest, whose learned writings stand like outworks thrown around the faith, but by keeping up a succession of living teachers, whose office it may be, not so much themselves to labour in learning for posterity, as to master the truths that others taught before, and to be the ever-ready witnesses and watchful champions of the faith, against the subtil, variable

<sup>1</sup> Note I in the Appendix.

errors of the day. Nor must we forget their fitness to become schools of discipline and instruction for Holy Orders, and the safeguard they provide, we know not how soon to be needed, in watching over the purity of the succession. But it is, after all, the highest service, though least regarded, of these sacred colleges, to pray without ceasing, and, by the frequent ministration of the Eucharist, to keep up a standing memory and witness of Christ's holy sacrifice. They are to the Church an image of her universal worship, and the earthly adumbration of an heavenly and eternal ministry. But all yearnings for a higher order of being, are, in these cold practical days, dismissed as dreams and unreal fancies. Unreal they are in fact, that is, they are not anywhere realized as yet, but in themselves most real, as the standard to which our whole nature must be ever tending. Men only aim at average perfection, and barter the purest and highest tendencies, for the low return of an apparent increase in so called general efficiency. But it is not a certain measure of diffused effects upon a lower level, but the high tending of individuals, or a few combined moral agents, to an aim above all seen, and, perhaps, attainable perfection that ever has, and alone is able to draw up mankind to a higher and purer state; and what is true of men is true

of institutions. Surely all these are questions of internal administration, deeply affecting the spiritual welfare of each diocese at large, and therefore, the office and authority of every Bishop is involved both in the original design, and the present capabilities of the Cathedral Presbyteries, and to reduce them, without his active participation, both in deliberating and resolving on the measure, and may I not add the concurrence of his Presbyters, is gravely to contravene the Episcopal office, and the integrity of the whole Church, of which he is not a mere selfish usufructuary of life interests, but the consecrated guardian and protector.

And now if I have succeeded in showing that the Ecclesiastical Commission is an authority purely secular, and that nevertheless it exercises in many respects, at the will of Parliament, the powers of a Provincial Council, the objection I venture to allege seems fully established, namely, that the whole legislative polity of the Church is thereby virtually suppressed. It is now the Civil power, habited in an Ecclesiastical vesture, that both initiates, and enforces through the instrumentality of a strange Synod, without the consent, may I not say against the deliberate protest of the Church. But this is not all; by the suppression of the Ecclesiastical Councils, the Church is henceforth absolutely divested of her *personal* and *corporate* existence, and resolved

into the system of *functions* which issue from the centre of the Civil power. The State has its organs for law, police, and commerce, and the will of the people as a living agent, wields all these at its choice. The Ecclesiastical Commission is so constituted as to transmit the popular will to the whole frame-work of the Church, and to make it yield with unerring subserviency to every vote of Parliament. The Church will be its *organ* for religion. Henceforth, any recommendation, grounded upon successive acts of the secular legislature, carried by a majority of laymembers, supported by one Episcopal Commissioner, owing, it might be, his elevation to that express condition, confirmed by the sign Manual, wrung perhaps from Royal hands by a minister of any or of no religious sect tendering the seals of office, and forthwith published in the next Gazette,—any recommendation, how sweeping and fatal soever, thus carried, confirmed, and published, must henceforth have the full force and effect of law, “any law, statute, canon, (which might be made by the Church in Convocation) letter patent, grant, usage, (which might be catholic) custom (which might be apostolical) to the contrary notwithstanding<sup>1</sup>.”

What is this but to invest Parliament with an Ecclesiastical supremacy?

<sup>1</sup> Established Church Bill, August 1836, clause xiii.

The first effect of this principle must be to make the discipline of the Church hang upon the will of the Civil power.

Whether Parliament has not already taken a most effectual step to draw the consecrated guardians of her discipline under its power, by affecting the independence of Episcopal revenues, I will not presume to say. However that may be, it is plain that the principle of equalizing the revenues and duties of our Bishops, contains in it by a necessary force the same rule for the inferior clergy. Indeed the avowed purpose of the Cathedral measure shows that this ulterior scheme is already near the horizon. The same power which now equalizes will hereafter from time to time, by successive votes, determine the amount. It matters not what is the source of a revenue when the management is in the hands of others. Indeed the source may be changed at once, as in the case of tithes, by commutation. The endowment of the Church may become a simple money payment, meted out in the name of Parliament by a commission, or at last in a less circuitous and more consistent way by Parliament itself. France has a little the start of us. They have already their "Budget du Clergé." Moreover Parliament has deliberately established, as the basis of legislation, the theory of a *religious establishment* instead of the prin-

ciple of the *Church*. This was, perhaps unconsciously at first, admitted by the act of union with Scotland. And now we are told, most truly, that it is the duty of the State to provide religious instruction for the people ; that a religious establishment is the most effectual way ; that a people without a national religion are as a nation without God in the world. All this is true, but it fits as well the Presbyterian body as the Church of England ; and is much more accordant with the system of Erastus than the creed of the Council of Nice. In fact, religious knowledge is the aim of the civil legislature. Succession, Orders, and Sacraments are accidentals. And once more, by the suppression of Ecclesiastical Councils, Parliament has assumed the deliberative and legislative functions of our spiritual rulers ; they do not initiate, or resolve *as spiritual rulers*, but only give assent as Peers of the Realm on a parity with our lay governors. The executive office of the Episcopate is now to register the enactments, and to put in force the acts of Parliament. And again, by the bill of August, 1836, more than one distinct Episcopal function, and the powers of a provincial council are put into commission. Now here is a gradual accumulation of false principles preparing the way for organic changes.

Let us suppose the lower house of Parliament

in 1841, like that of 1641, should resolve "that every shire should be a several diocese, a presbytery of twelve divines in each shire, and a president *as a Bishop* over them; and he with the assistance of some of the Presbyters to ordain, suspend, deprive, degrade, and excommunicate <sup>1</sup>." In the upper house, twenty-seven lay peers might outvote and carry it against the whole order of Bishops.

And surely this would be "a religious establishment," "a provision for religious instruction," "a national Church." Parliament is indeed favorably disposed to Episcopacy, but it is the Episcopacy of form, not of succession; it is the accidental expediency, and not the essential obligation that is now alone admitted as a principle of legislation. We may have an Erastian Episcopacy as easily as an Erastian Presbytery. Erastianism expresses not the form but the source of ecclesiastical government.

We have admitted the principle naturally leading to this and even worse results: a principle essentially aggressive, and having neither in itself, nor from without, any imaginable check. To a perpetual corporation, almost altogether removable at the will of the Crown, powers

<sup>1</sup> Collier's Eccl. Hist. ii. 805. It is said that in the division on the clause by which the See of Sodor and Man is to be suppressed, an equal number of Prelates voted on either side, the balance being turned by lay peers.



extending over the revenues, and duties of the Episcopate, are already granted. Fresh powers extending over cathedral and collegiate bodies are sued for, and at the point to be given. And when shall these successive enlargements of power end? With the recommendations of the Commissioners? When, until the popular will expressed through Parliament shall be satisfied? And when shall that fleeting, variable thing have exhausted its appetite for change?

But, we shall have surrendered not the discipline only, but the faith also, to the keeping of Parliament. We shall have admitted a principle, which, as it establishes a popular expediency in the place of what the Apostles ordained, so will it one day establish also the popular opinion in the place of what the Apostles taught. As government is now the will of the people reduced to a focus, so the Church, both in discipline and faith, will be only an expression of their opinions in religion. These things are, perhaps, remote; but we are dealing with tendencies, and providing for posterity. I fear, we shall find in the day of trial that we have exchanged the true rule of faith for a false, the Apostolic teaching, handed down by the consent of Christendom, for the interpretation of each individual man, and the adjusted expression of these private systems. In a word, we shall have exchanged the

reality of truth for the impressions of the multitude.

We have once well seen the corruption of the Church in discipline and faith, from the supremacy of the Roman patriarch. We have now another supremacy to beware of. The two swords have passed from the pope to the king, from the king to the people. The next patriarch of the English Church will be Parliament, and on its votes will hang our orders, mission, discipline and faith; and the Pontificate of Parliament is but the modern voluntary principle in disguise. “*Quid superest quam ut Ecclesia Capitolio cedat, et recedentibus sacerdotibus, ac Domini altare removentibus, in Cleri nostri sacrum venerandumque consessum simulacra atque idola cum aris suis transeant*<sup>1</sup>.”

I am well aware, that we shall be told to confide in the attachment of the great majority of Parliament to the Church, the good sense, and steadiness of the people, and the re-action of public opinion, as a sufficient guarantee against all such innovations. And so sanguine or short-sighted men will persuade at least themselves.

But is there any safeguard in *principle* against the most extensive and searching changes? For it is not to men, but to principles we must trust.

<sup>1</sup> Cyprian, Ep. lv.

We have indeed, by God's blessing, a large store of high-tempered religion, loyalty to the Church, and good sense still left among us. But we are not to depend upon the Euripus of men's affections, and leanings, and opinions. "We can discover, without recurring to the voice of revelation, that there is some mighty confluence of destinies to which the whole human race is incessantly on its way : in the most permanent societies, and most tranquil seasons, a process is carried on, which tends to separate man from his institutions, as in the lapse of ages, the fixed stars themselves have deserted their primeval signs." Thus men tide away from their political systems, and then mould them afresh upon themselves. Politics and governments are variable and fleeting, but the Church of Christ is unchangeable and fixed, renewing and shaping man's nature to herself. So Christ ordained. But we are changing His ordinance, and are shifting His Church as far as in us lies from the rock to the waters. And while we are trusting to their present calmness, signs are not wanting to forewarn us of the storms that shall lash the floods into a tempest. And in all this instability, the Church in her entire framework must partake. We are surrendering the very sign by which she attests her Divine original—her unchangeableness.

My Lord, it would be better far to undergo

another exile from our hearths and altars, to wear out in patient waiting the long delays of another twelve years' oppression, than to yield, for peace or policy, one tittle of Apostolical order. From the worst that man can do unto us we must, by the primary law of our being, and by the promise of our Lord, recover purified and strengthened. But from the festering of inward disease, tamely and willingly imbibed, there is no recovery.

As the Church is gradually drawn under the influence of the State, all in her that can be secularized, all the earthly portions of her system, the low, the covetous, the time-serving, and (sad to think) many sincere and well meaning, many active and devoted men, unconscious, or unbelieving of her high and hallowed origin, must be drawn into a mere secular establishment for popular religious instruction. By a happy inconsistency, such men can as yet combine a low view of the Church and Priesthood, with a belief in the Sacramental mysteries: perhaps, because the atmosphere in which they live, sustains them above themselves; but how long that shall be after they have learned to resolve all Ecclesiastical authority into the secular power, we dare not say. Men cannot long believe that they may have fellowship with God through a Church and Priesthood of their own appointing. This is beyond even the credulity of unbelief.

They must then seek out some Church exhibiting divine credentials, or let go the faith at last. A low standard of ministerial life, of duties measured by salaries and neglect mulcted with pecuniary chastisement, a paralysed discipline, a contempt of ordinances, an ever varying creed, wearing out of the mind the very habit of faith, and shading off into vagueness with the waning belief of the people, these things must surely and not slowly reduce the Church to a national establishment, with an Erastian ministry, and *liberal* formularies, keeping analogy and proportion with our yielding and conflicting civil state, and dissipate the national religion in cold ethics and theories of social order, in shallow rationalism and a national apostasy.

On the other hand there is a high spirit abroad, and stirring far and wide, and men are waking up to a sense both of their blessings and their duties, as members of a Church derived by lineal succession from the Apostles of the Lord. The Church of the last century lost the consciousness of her lineage, but not her claims to this high descent. And now sectarian enmity and secular encroachment have turned her people to search into her original, and her authority, and to ascertain the true idea of her nature and her obligations. They rejoice in knowing that she derives her being and power from her unseen Head, that she is ever quickened and guided by

His continual presence, charged with the sacred treasure of the faith, and invested with a sacred rule over His flock and people: Her priesthood have learned themselves to be the bearers of a light kindled not of men, but of God; and that their duty is to shield it, and show it to them which are in error, and to hand it on in undiminished brightness to their fellows after them. They feel, too, that if they should dare to yield ever so little from the stern observances of the ministry they have received, they would deserve the end of those of whose censers were made broad plates for the altar as a testimony against them. And this spirit is extending every where, and every where finding the minds of men unconsciously yearning for this sustaining truth. It may sound paradoxical to say that the principle of this Commission must one day bring on the so called Separation of Church and State. Yet most true it is; for the present line of policy must make it, sooner or later, impossible to communicate with the established religion. No man can know how great the schism will be till the separation has begun. And when it does begin, it will let out the very life of our present religious system. It will be a rending asunder of soul and body.

If this were a new emergency, demanding the application of new expedients, I trust I should know my place and duty better than to intrude

myself upon your Lordship's forbearance. But *new expedients are our chief and most threatening danger.* I believe the inferior clergy as a body desire to fall back on old principles, and to walk once more in the sure footing of primitive usage. The only sufficient check upon the further and final developement of the false principle we have admitted, appears to be the restoration of the absolute spiritual power, expressed through the united deliberation and resolve of the whole college of Bishops, to its due and rightful co-ordinate authority, so that the initiative in all measures of internal administration should be in their hands, and that no ecclesiastical measure should be submitted to Parliament without their consent first obtained as a necessary condition.

From the beginning of the Church in this land, down to the time of King Henry VIII. such matters as are now summarily disposed of by the Commission would have been the subjects of extended deliberation in our provincial councils.

"These Ecclesiastical Councils," says Archbishop Wake, "as they never had any relation to a Parliament, but were occasionally summoned by the metropolitan, before the 25th of Henry VIII. whenever he thought it to be expedient for the Church's service ; so I do not see, but that with the king's authority, testified by his writ to that

purpose, the metropolitan may still hold his provincial synod at any time that he shall think it needful so to do.

“Sure I am, there is not one word in that statute, the 25th of Henry VIII. which ties up the king in this case, or lays any other restraint upon the metropolitan, except that of proceeding by the authority of the king’s writ. And when, by virtue of that statute, two and thirty persons of the Clergy and Laity were chosen to reform our ecclesiastical laws, and to choose out such as were agreeable to the statutes and customs of the realm, and (in their judgment) profitable to the government of the Church; they still continued the use of those provincial or Episcopal Synods, as it had before been practised, with no other change but what that act required, of recurring to the king’s authority for the holding of them.

“This I take to be a demonstrative proof, that those wise and learned men, chosen out of the most able members, both of Parliament and Convocation, for so nice a purpose, knew nothing in the continuance of such Provincial Synods, that was contrary to law then. If it be since become so, I shall be glad to know what statute it is that has abridged the authority of the king, and the liberty of the Church in this particular. Till that be shown, I must conclude that such Synods as these, with the king’s con-



currence, the metropolitan may still hold ; and pity it is, but that the use of them should, from time to time, as occasion requires, be restored among us <sup>1</sup>.”

I believe I speak the earnest desire of a large number of your Lordship's clergy when I say that our urgent petition is no more than this, —that the Most Reverend the Archbishops of either province should humbly ask of her Majesty licence to convene their suffragan Bishops, and submit the whole body of recommendations, not as yet happily carried into effect, to their united deliberation and consent.

The laity of the Church will probably consider their assent to be involved in the vote of their representatives in Parliament ; and the priesthood, I cannot doubt, will feel their concurrence to be virtually given in the suffrage of their Bishops. That it is their most ancient privilege to concur subordinately and by permission, as in ordaining so also in governing, no one can doubt, but that the acts of the Episcopal body, both in ordination and in government, are complete without their express concurrence no one will deny. Whether to invite that concurrence might not be both wise and condescending, —whether it might not conciliate their fuller

<sup>1</sup> Abp. Wake's State of the Church, &c. 29. Note K in the Appendix.

confidence, and command their best affections, and, by the bonds of mutual confidence and affection, restore to the Episcopal order its primitive vigour, and its paternal character, I shall forbear to say.

From your Lordship's unvarying practice, we may not doubtfully conclude in what esteem your Lordship holds the example of a sainted martyr, a pattern of dignity and wisdom, who declared to his clergy, "A primordio Episcopatus mei statuerim nihil sine consilio vestro, et sine consensu plebis meâ privatim sententiâ gerere <sup>1</sup>."

My Lord,

I have the honour to be

Your Lordship's most obliged,  
and obedient Servant,

H. E. MANNING.

*January 1st, 1838.*

<sup>1</sup> Cyprian, Ep. v.

## APPENDIX.

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IN making this Letter public, it seemed requisite to add, at full length, the authorities to which it was unnecessary to do more than refer in the text.

### A.

The polity of the Church is given by Field as follows :

“Such is the government of the Church of God . . . (*i. e.* mixed —of the monarchical, aristocratic, and democratic kind); . . . Christ, undoubtedly, establishing the best form of government in the same. For the government of each diocese, and particular church, resteth principally in one, who hath an eminent and peerless power, without whom nothing may be attempted or done, yet are there others joined with him as assistants, without whose counsel, advice, and consent, he may do nothing of moment and consequence.

“The government of a province is principally aristocratical, resting in the bishops of the province, and their assistants ; but it hath a kind of chieftly of one having a primacy of order and honour among the rest, who being placed in the metropolis, or mother city, is named a metropolitan. This government is so mixed, that the bishops may do nothing concerning the state of the whole province, or out of the limits of their own Churches, without consulting the bishop of the mother city, nor he without them ; and if they differ in judgment and opinion, he is bound to follow

the major part of voices, for the ending or determining of all controversies, that may or do arise, concerning matters of faith, or of fact. Neither is this the form of government of one province only, but the government of larger circuits is altogether like unto it, and in proportion the same. For look, what the metropolitan is in respect of the bishops of the province, that and no more is the primate, or patriarch, in respect of the metropolitans and bishops of divers provinces ; so that, as the metropolitan can do nothing out of his own diocese, without the concurrence of the major part of the bishops of the province, though he be in order and honour the first and greatest among them, who must be consulted before they can do anything ; so, in like sort, the primate or patriarch may do nothing without the advice and consent of the metropolitans and bishops subject unto him.”—*Field on the Church*, book v. chap. 30.

According to this polity, the councils of the Church take their corresponding forms—general, provincial, and diocesan, through which the Apostolical commission is exercised, in matters of faith and discipline. The authority of the Church in matters of faith, includes all questions relating to the ministry of the Word and Sacraments ; and in matters of discipline is twofold, judicial and legislative: the judicial being the authority to judge her members according to existing canons, &c. and to inflict censures or excommunication ; the legislative, to send missions, erect sees, determine the extent of cures, episcopal or parochial, and to make new canons from time to time, according to the exigencies of the case, for the better government of the whole.

## B.

The rule by which sees were erected was as follows :

“ Our Saviour having left no rule about limits, the Apostles made no new distributions, but followed the form of the empire ; planting in every city a complete and entire Church, that con-

sisted not only of the inhabitants of the city, but of the region belonging to it.”—*Maurice’s Diocesan Episcopacy*. 390.

“The Church took her plan in setting up metropolitical and patriarchal power from this plan of the state; for, as in every metropolis or chief city of each province, there was a superior magistrate above the magistrates of every single city, so likewise, in the same metropolis, there was a bishop whose power extended over the whole province. . . . In like manner, as the state had a vicarius in every capital city of each civil diocese, so the Church in process of time came to have her exarchs or patriarchs in many, if not in all the capital cities of the empire.”—*Bingham*, b. ix. c. i. iv.

This rule was exactly observed in Britain, and the primacy of Canterbury is owing to the fact of Kent being the first and chief of the Saxon kingdoms, extending to the Humber. See Bishop Beveridge’s Note on the XXXIVth Apostolical Canon, sect. xvii. xviii. xix.

### C.

Of the Catholic councils Bishop Beveridge says,

“As to the Christian faith, and laws relating to ecclesiastical discipline, the Christian Emperors themselves again and again frankly confessed that they had no power vested in them to determine such questions. So Constantine the Great, Valentinian, Marcian, Theodosius, avowed, and others whose words I have referred to in another place. [Annotat. on 3rd canon of the Council of Chalcedon.] Moreover the Emperor Justinian himself, who was most deeply versed in all kinds of law, was of the same opinion, namely, that civil laws ought not to precede but to follow the ecclesiastical; he says, ‘according to the sacred and divine canons, which even our laws do not refuse to follow.’ Novell. lxxxiii. Wherefore, although the Emperors published in their constitutions many things relating to ecclesiastical persons and affairs, yet they *initiated* nothing, but only *confirmed* by their authority also, the constitutions *already made by the ecclesiastical synods*: so that whatsoever is declared concerning ecclesiastical persons, and causes, in the Codex, or the Novells, had been sanctioned by some ecclesiastical power, before it was referred thither, as will easily appear

to any one versed in the canon and political laws, by an induction of each particular case of this kind. Which further appears from the very fact that the Emperors themselves were wont to convene ecclesiastical councils to decide ecclesiastical causes, and to frame laws: for so the first ecumenical council at Nice was convened by Constantine the Great; that of Constantinople by Theodosius the Elder; that of Ephesus by Theodosius the Younger; and to pass over the rest, that of Chalcedon by the Emperor Marcian: nor did any of these Emperors determine any matter which was to be discussed by the synod he had convened, before it had been decided by the synod itself. Whatsoever the synods decreed was wont to be confirmed by the civil power: so that nearly all the canons in this book (*i. e.* those made by councils, from that of Nice to that of Carthage inclusively) were confirmed by the subscription of the Emperor Justinian Rhinotmetus. (A. D. 705.) For in truth, Christian princes, having a *civil* power committed unto them, as much for the protection of the church, as for the government of the empire, are bound by their office, as the early fathers of the church taught, to use it to confirm the ecclesiastical authority throughout the provinces of their empire, to maintain the canons, and take care that the church under their protection should enjoy peace, and freely exercise the authority entrusted to her. And, therefore, although the Emperors themselves may never enact ecclesiastical laws without the counsel of the church, it is nevertheless their duty to take care, by their *civil* authority, that those which are made shall be observed in their realms.”—*Bishop Beveridge’s Synodicon, Prolegomena*. Sect. 2. See also, *Thorndike’s Right of the Church, &c.*, p. 231.

## D.

Of the Anglican councils, after speaking of the provincial and diocesan synods, &c., Wilkins says:

“Besides these councils in the time of the Anglo Saxons, convened for the affairs of the Commonwealth, there met also synods of the clergy, in which the bishops as ecclesiastical judges presided and promulgated rules and statutes in matters purely ecclesiastical. And if at any time during the session of the civil councils, there were any urgent necessity to treat of ecclesiastical questions, the

bishops used to withdraw from the convention of the state, to an ecclesiastical synod, to decide on points affecting the welfare of the Church; and their decrees sometimes received the assent of parliament, and in this manner acquired the authority of the laws of the kingdom, in addition to their force as the canons of the Church.

“To these synodical assemblies of the Saxon times we must add other ecclesiastical councils, which, so long as they had no civil character, were held at the summons of the archbishop, by the suffragan bishops and prelates. The kings with their nobles attended them *by invitation*; and such of their proceedings as they approved, obtained the royal assent. If any ecclesiastical canons were made in synod in the king’s absence, they were enjoined on the whole Anglican clergy by the decree of the custos and nobles of the kingdom, and the king’s counsellors, in the next convention: none of the determinations of the ecclesiastical councils were regarded as *public statutes* unless approved and confirmed by the supreme power of the Sovereign.”

After the Conquest, Wilkins says,

“When ecclesiastical matters were to be treated, the legate of the Pope, or the archbishop, with the consent, sometimes by the order, of the king, caused a mandate for the holding of a synod to be published, the meeting of which mostly coincided with that of the state assemblies or festivals, so that the king might be present to conduct the proceedings, and either restrain or confirm them. In the king’s absence abroad, the archbishop had from him authority to convene the bishops and prelates, even when the great councils were not held.”—*Wilkins’ Dissertatio de veteri et modernâ Synodi Anglicanæ Constitutione* viii., prefixed to the Concilia, &c.

Johnson’s account is as follows,

“During the time of our Saxon, and even Danish Kings, the bishops were in full possession of the power of making as well as executing canons; nor does it appear that they ever abused it to the hurt of the civil government. Our kings were so far from apprehending any mischief from ecclesiastical synods, or from sending their prohibitions to them, that they often honoured these assemblies with the presence of themselves, and their nobility, without interposing in their debates, or giving any stop or impediment

to their definitions. The Norman princes never attempted to diminish, or interrupt, the archbishops' ancient right and practice of assembling synods, and making such canons and ecclesiastical provisions as were deemed necessary, or seasonable. But after the Pope had set himself up for sovereign in temporals as well as spirituals, and in order to exercise this sovereignty, had introduced his canon law into all nations that were in communion with him, and had a number of men in every country ready to execute his will and pleasure, in opposition to the civil government, and to its great detriment, our kings saw it necessary to check the arrogance of the Pope, and his creatures here in England, by sending prohibitions to the bishops in their synods, (that they might make no canons to the injury of the King's prerogative, and of the civil constitution,) and in their courts, that they might put no such canon in execution. \* \* \* \* But still the authority of enacting canons, and constitutions in matters merely spiritual, and the cognizance of such causes, remained untouched, entirely in the hands of the convocation as to the *enactive* part, and of the prelates as to the *executive*.

“ Though the Saxon bishops had an unlimited power of making canons, yet we have many laws relating to matters merely spiritual enacted by kings, in their great councils or civil gemotes. This may seem to some to have been an entrenchment on the authority of the bishops. To this it has been answered, that the bishops, without whom no great council was held, retired into a place by themselves in order to draw up and enact laws relating to religion, as was the practice in some neighbouring countries. And I will not deny that this might sometimes be done. Yet when I see here and there an ecclesiastical law interspersed among a great number of such as are purely temporal, at other times almost an equal number of ecclesiastical and civil laws mutually succeeding each other in the same system, at other times two or three ecclesiastical laws dropped into a set of temporal, and, *vice versâ*, temporal among ecclesiastical, I am inclined to believe that both sorts of laws were made by an amicable conjunction of both powers. *In truth the old Saxon laws and English statutes made in relation to the Church, were in effect only civil sanctions of old canons or grants made to the Church of some civil privileges, which she enjoyed not before: or a reinforcement of such grant with penalties annexed, and there could be no reason why the bishops and clergy*



should not accept the assistance of kings and great men for these purposes. . . .

I do not remember a single instance of a law, (before the conquest,) but what any bishop upon the principles of that age might fairly consent to, and no law relating to the Church or religion, but what may justly be thought to have been promoted if not postulated by the prelates. And I take the Articles of Clarendon (A.D. 1164) to be the first instance in our history of making laws that bishops did not care to sign.”—*Johnson’s Ecclesiastical Laws*, Part I. Preface xxiii. xxiv.

## E.

The property of the greater clergy, *i. e.* bishops and prelates, was included in the general taxation made by Parliament, to which they were summoned. The rest of the clergy were exempt: but gave from time to time a subsidy in the way of a benevolence, receiving letters of security against the precedent. Sometimes they empowered their bishops, sometimes the archdeacons, and afterwards proctors of their own, to act for them.

“Thus stood this matter, till about the time of King Edward the First, who not willing to continue at such a precarious rate with his clergy, took another method; and after several other experiments, fixed at last upon an establishment, which has in some sort been continued ever since to this very day. The method he resolved upon was this: having summoned his Parliament, and issued out his writs, as usual, to the bishops and prelates to come to it; he inserted a new clause, into the bishops’ writs, which from the first word of it is called the *Præmunientes* clause, by which he required them to cite such of their inferior clergy to come along with them to Parliament as he there specified, and thought sufficient to act for, that is, in truth, to grant him aids in the name of, the whole body of the clergy.

“Here therefore began a new assembly, for I cannot properly call it any thing else, of the clergy of the Realm: a national collection summoned to represent the whole body in Parliament, and to act as the estate of the clergy there. . . .

The clergy were very unwilling to attend, and pleaded

many and various reasons against it ; and prayed that they might be permitted to grant those subsidies in their own provincial assemblies. The king did not care how or where they did it, and consented.

“These provincial assemblies of our bishops and clergy, convened for these ends of supplying the king’s needs, either by confirming what had before been conditionally granted in Parliament, or by granting that here, which they had refused to do there, are what we properly call *Convocations* ; and which at first differed from their provincial councils, not only in the members of which they were composed, and in the manner of their call to them ; but especially, in the end and purpose for which they were summoned, and the business that was done by them ; the one being held for state, the other for church affairs.

“Thus were these state conventions of our Clergy first settled, and their assemblies fixed for civil matters as well as ecclesiastical. And their provincial convocations were at the first as distinct from their provincial councils, as their national assemblies in Parliament from their national assembly in a Legantine, or Church Synod. But in process of time a confusion ensued : and as the meeting of the clergy in convocation, and doing that there from the time of king Edward II. for which king Edward I. had called them to Parliament, soon lessened their appearance, and lost their interest there : (the king and the clergy being in a manner agreed the one not to come to Parliament, the other not to concern himself whether they came or no, so long as they did his business elsewhere :) so their frequency of assembling in convocation, by degrees, very much lessened, though it never totally broke, their meeting and acting in provincial councils ; and put them upon transacting the business of both, in either. The first beginning of this was owing to the exigencies of the king’s affairs ; who, when the clergy were met in council for the proper business of the Church, began early to send his commissioners to them, and desire an aid of them ; and which rather than be obliged presently to come together again for that end in convocation, they were oftentimes content to grant in council to him.

“But our archbishops kept up the distinction yet longer, on the other side, and either transacted no proper conciliary affairs in convocation ; or, if they had any such to transact there, they issued

out conciliary letters together with their convocation mandates, and caused their clergy to meet under a double capacity, by a double call, from the double work that was to be done by them when they came together. But even this too, in time, was omitted ; and the archbishop thought it enough, when they were assembled in convocation, either by his authority to require, or by his consent to permit them to act in a conciliary manner also. By this permission or command of his, he made them a council as well as a convocation ; and that as effectually as by his letters of summons, he had been wont to do it before.”—*Archbishop Wake’s State of the Church*, &c. 2, 3.

The difference then between the provincial council and provincial convocation was as follows—

	<i>Council.</i>	<i>Convocation.</i>
Summoned	by the archbishop	by the king.
Composed	of bishops, and presbyters by <i>permission</i>	of bishops and presbyters by <i>right</i> .
On the principle	of the apostolical government.	of representing ecclesiastical property.
For the purpose	of governing the church.	of giving subsidies to the state.

## F.

The following passages will shew the authority by which the erection and removal of Bishoprics was effected.

The erection of a bishopric is exclusively an act of the *spiritual powers alone*: for it is necessarily involved in the consecration and appointment of a bishop to a given city.

When it is said the civil power *erects* a bishopric, no more is meant than that the civil power *approves*, and *acknowledges* or *endows*, and *superadds* the usual *dignities* annexed in the civil state to the highest spiritual estate.

The apostles and bishops of the apostolic age consecrated by their own sole act: but when by multiplying the episcopal order, the apostolic sees grew to be metropolitanical, the consent of the provincial bishops became necessary. Thus the first apostolical canon, which attests the practice of the church before the

third century, orders, 'Let a bishop be ordained by two or three bishops.'

The canon of the Council of Nice, (325) quoted in the text, plainly intimates that the number of provincial bishops was by that time greatly multiplied, and requires their express concurrence.

The nineteenth canon of the Council of Antioch determines—

"Let not a bishop be ordained without a synod, and the presence of the metropolitan, who is to call all his brethren in the Liturgy (i. e. fellow bishops) to the metropolis by letter; and it is best that all meet. But if this be not practicable, yet a majority at least ought to be present, or to give their consent by letter, and then let the ordination be performed with the presence or suffrage of the majority; but if they proceed contrary to the decrees, let the ordination be of no force: but if some contradict, out of an affectation of dispute, let the majority of voices prevail."—*Johnson's Vade Mecum*. Part ii. p. 99.

The same order is to be found in the thirteenth and forty-ninth canon of the African code. The seventy-eighth of the same code, orders—

"That twenty bishops go and substitute a new bishop by the consent of all, instead of Equitius," who had been condemned by a provincial council.—*Johnson*, part ii. 175. 187. 199.

At the third Council of Carthage it was proposed, that twelve should be present, and at the Council of Arles seven: but the Nicene rule was the practice of the Church.—*Thomassin Vetus et nova Eccl. disciplina*, tom. ii. l. 2, c. 4, § 9.

The following passages from Thomassin trace the gradual combination of the Royal and Papal authorities with that of the provincial council.

1. For the first five hundred years no royal authority interposed in the Eastern Church.

"Hactenus in Episcopatum institutione ne vestigium quidem ullum regie auctoritatis deprehensum est."—*Vetus et Nova Discip.* t. i. lib. i. liv. § vii.

Nor the Western :

“ Si te ab oriente ad occidentem convertas, idem faciliè intelliges ; ab apostolica maximè sede, et a majoribus metropolitanis episcopatus esse institutos : episcopos operam dedisse ut in ditionis suæ locis majoribus episcopi ordinarentur alii, ejusmodi mutationes approbatas esse a conciliis provincialibus : nec intra quingentos a Christo nato annos, auctoritati regiæ in hujusmodi rebus locum ullum fuisse.” *Ibid.* § viii.

Nor *as of right* did the Papal authority interpose :

“ Verum nec sibi Leo Papa, nec Romanæ sedi vindicat uni potestatem instituendorum episcopatum ; sed hoc liberum et integrum facit conciliis provincialibus ac metropolitans, modo leges observent, quas antiquitas consecravit.”—*Ibid.* § x.

2. In the sixth, seventh, and eighth centuries, the Royal and Papal authorities combined themselves with the metropolitan and provincial council.

“ Novi nulli temporibus his mediæ ætatis, sæculo vi .vii. viii. creabantur episcopatus ; nisi de metropolitani, synodi provincialis, principis, et papæ consensu.”—*Thomassin. Vetus et Nova Discip.*, t. i. lib. i. c. lv. § i.

And yet bishoprics were sometimes erected without the royal authority.—*Ibid.* c. lvii. § ii. and lviii. § vi.

3. After the eleventh century the Pope and the Emperor obtained, in the West and East respectively, the supreme power.

1. The supremacy of the Pope.

“ Longâ tamen temporum serie rerumque vicissitudine factum est ut constituendi episcopatus novi potestas penes solum Romanum Pontificem esset.”

It is only just to add Thomassin's conjectural explanation of the fact.

“ Non quòd id sibi juris ipse reservaverit, ut imminuta episcoporum jurisdictione, auget suam : sed quod aut negligentiores essent episcopi alii in proferendis Christianæ Reipublicæ finibus, aut quod id honoris primæ sedi haberent, aut quod Pontifici principes confiderent magis, aut quod Petri sedem frequentius populi

adirent; aut quod zelo fidei magis arderet Pontifex.”—*Ibid.* c. lv. § xiv.

## 2. The supremacy of the Emperor.

“Author est alibi Balsamon posse ab Imperatoribus Metropoles Ecclesiasticas creari, antiquissimo privilegio eis concesso ‘*Mihi videtur ejusmodi fieri ab imperatoribus divisiones secundum potestatem illis olim datam.*’ Sed semet ipse quodammodo castigat Balsamon, cum non multo post subjicit, istiusmodi metropolitanos regiæ creationis antiquis obnoxios esse metropolitanis, qui integram in eos sibi servant potestatem ordinandi judicandique . . . . ita nominis honos tantum, Episcopis ab Imperatore adjiciebatur nil novæ porro vel libertatis, vel potestatis.

“At inaccessit tandem libido Alexin Comnenum Imperatorem (A. D. 1050) dilatandi exaggerandique hujus imperatorii juris sui. . . . Constituit ergo ille, ut Episcopales vel Archiepiscopales Ecclesiæ quas Imperator inter metropoles recensuisset eæ ne in posterum a metropolitano penderent, sed ab ipso immediate Patriarcha Constantinopolitano. . . . .

. . . “Alibi autem perhibet idem Balsamon, tam alte imbibisse quosdam insulsam hanc opinionem, nullis adstringi Imperatorem Canonicis regulis, ut illi non eam tantum affingerent potestatem episcopatus metropolesque novas creandi, sed et condonandi episcopis, ut in aliorum episcoporum territorio eorum injussu Pontificalia munia obirent.

. . . “Quin et ipsæ Græcorum Synodi ætatis mediæ foedissima assentatione, nec enim eam fas est dispensationem interpretari, permittebant imperatoribus episcopos dare ecclesiis vacantibus, metropoles erigere, eas priscis metropolitanis omnino subducere, denique nulla canonica lege obligari.”—*Ibid.* part i. lib. i. xliii. § x. xi.

## G.

Pope Paschal’s letter is addressed,

“Anselmo Cantuariensi archiepiscopo et cæteris comprovincialibus episcopis.”

And the king’s charter declares the consent of the estates spiritual, and temporal.

“Annunte Domino Anselmo beatæ memoriæ Cantuariensi ar-

chiepiscopo, et Thoma venerabili Eboracensi archiepiscopo, et *universis episcopis* et abbatibus totius Angliæ: sed et omnibus ducibus, comitibus, et principibus regni mei,” &c.—*Wharton’s Anglia Sacra*, i. 616. 679.

It is difficult to determine whether Burnet in a passage referring to this event, is only relating arguments really adduced, or finding them for the supposed speakers: either way it is worth while to compare it with the foregoing evidence. Burnet says the acts of Henry VIII. were defended by the examples of the emperors, and the following precedent—

“In England, when the bishoprick of Lincoln being judged of too great an extent, the bishoprick of Ely was taken out of it, it was done *only* by the king, with the consent of his clergy and nobles. Pope *Nicholas* indeed officiously intruded himself into that matter by sending a confirmation of that which was done.” *Hist. of Ref.* v. i. 301.

The whole transaction is given by Thomassin, *Vet. et N.D.* tom. i. l. lviii. 11

## H.

Of the present practice of the Anglican Church, in respect to Consecration, Bishop Gibson observes, that the 25th Henry VIII. c. 20. does not specify the number of bishops who shall consecrate:

“This, therefore, is left to the ancient laws and canons of the Church, which admit of no consecration by a less number of bishops than *three*: the necessity of which number is also supposed by our own constitution requiring that the elected bishop be presented to the *archbishop* by *two bishops*. But it is to be observed, that the number of three was that under which the consecration could not be canonical; and that all the laws of the Church upon this head, do at the same time *intend* the *personal* presence of as many bishops of the province as can conveniently come, according to the rule in Gratian: ‘*Episcopi ab omnibus qui sunt in provincia sua debent ordinari. Si vero hoc difficile fuerit, vel aliqua urgente necessitate, vel itineris longitudine; certe tres Episcopi debent in unum*

congregari, ita ut etiam cæterorum qui absentes sunt, consensum in literis teneant.' Of which law, (as practised here in *England*), we find the footsteps as well in formal *citations* of the bishops of the province to the consecration of a bishop, as by the *excuses* sent by bishops in form, with signification of their *consent*."—*Gibson's Codex*, vol. i. p. iii. note u.

Bishop Gibson gives the forms of citation, and excuse.

The citation is from Archbishop Peckham to the Bishop of London, desiring him to convene the provincial bishops to the consecration of a bishop elect of Rochester, dated 1283 :

..... "Fraternitati vestræ committimus, et mandamus quatenus hoc idem omnibus, et singulis fratribus et co-episcopis nostris denunciantes, citetis eosdem ut dictâ die præfatæ consecrationi intersint, ad Dei gloriam, et ipsius consecrandi solatium et honorem."

The form of excuse is dated 1310, and runs as follows :

"Quia consecrationi . . . interesse non possumus arduis nostris et Ecclesiæ nostræ negotiis legitime præpediti, eidem consecrationi canonicum, tenore præsentium, præbemus assensum ; . . hæc fratribus et comprovincialibus Episcopis nostris, tenore præsentium volumus esse nota."—*Ibid. Appendix*, 2nd edition, p. 1330.

## I.

The following is Thomassin's account of the relation of the Cathedral Presbyteries to Diocesan Government in the first five centuries :

They were the presbyters and deacons of the episcopal see, and had the charge of the parishes in and about the city. They did not live together, although they all partook of the common property of the Church. They were a standing council, or senate, to the bishop, with whom he exercised the judicial and legislative functions of diocesan government. In dignity and privileges they were a body superior to the rural clergy. Thomassin understands Cyprian's expressions of consulting with his presbyters, as



referring to the clergy of Carthage; and he compares the cathedral bodies of the first five centuries to the church in Rome: "Clerus etiam nunc Romanæ Ecclesiæ formam præ se fert splendidissimam, expressissimamque ejus cleri, qui olim singulis in Cathedralibus Ecclesiis Episcopo copulabatur. Constat enim Romani pontificis clerus presbyteris, Diaconisque cardinalibus, seu titularibus Ecclesiarum omnium Romæ parochialium parochis cum pontifice et sub pontifice conspirantibus, et collaborantibus Romano in consistorio de negotiis omnibus, quæ ex pontificia spiritali ditione ex universo inquam Christiano orbe Romam referuntur."—*Vet. et N. Dis. i. lib. iii. c. 7, 8.*

They did not receive the title of 'chapter' till the thirteenth century. Leslie, in the appendix to his Case of the Regale, quotes a remarkable inscription in the hospital of Ledbury, in Herefordshire, in which it is stated that—

"Bishops were called *capita dioceseon suarum*, as the pope would be called *caput universalis Ecclesiæ*, even over kings and emperors; yet presbyteries were not (here in England especially) then called *capitula*, nor their bishop and they divided into two bodies, for Gregorius IX. had not yet published his decretal epistles, wherein these two titles were first established: 1. *De iis quæ fiunt a prælato sine consensu capituli*—2. *De iis quæ fiunt a majore parte capituli*. From which decretals the presbyteries began generally to be called *capitula*, and the government ecclesiastical in every province and diocese grew to be severed; the bishop, as the head, doing many things of himself, without consent of the chapter and *capitulum*; the little head or chapter doing many things by a greater part among themselves, without the bishop."—*Leslie's Works*, vol. iii. 478.

The following passage will show how different from our own, were the principles on which the great men of the seventeenth century sought to give *efficiency* to the Church:

"I am of opinion that it would be easy to erect presbyteries, that is, colleges of presbyters, in all shire towns which have no cathedral Churches, for the ecclesiastical government of the respective counties, with and under the bishops, and that so the rule of the Church would be set on work to the best effect and purpose.

For those towns have commonly churches altogether unprovided of means, through the horrible sacrileges that have passed, and yet, in common reason (agreeing with the wisdom of God's Spirit, from whence the rule of episcopacy issued,) ought to be nurseries of Christianity to the respective counties. And that intent cannot so well be brought to effect, as by planting the wisest, and those that have most of the clergy in their lives, in the most eminent places, with authority next to the chief, over their respective bounds. By the ministry of such persons the offices of God's service might be so performed in the chief places, as might be a pattern for their country churches to follow. These presbyters might grow up by education in that discipline of the clergy, which I have recommended upon the experience of the whole church." . .

"They might live a collegiate life in common, exercising a care and inspection over inferiors, together with the charge of instructing, or seeing them instructed in the scriptures . . . They may take account of their respective clergy, and render it to their bishops . . . The censures that are requisite to pass *in foro exteriori*, may pass them in the first instance, and from them being transmitted to the bishop, be either enacted or avoided, always, with right of appeal to the synod of the province in cases of weight . . . As for those dioceses which are concluded within only one county, there, I suppose, I need not say that *the chapter of the cathedral are by inheritance this presbytery*.

"As for the means of supporting these presbyteries, wherein the cure of all parishes within the shire-town is provided for and included, it is no difficulty to him that considers with conscience that, originally, the endowment of the diocese was the patrimony of the mother Church, and afterwards appropriated to parish churches, by abating the right of the mother Church, upon particular contracts, appearing to be for the good of the parts. For if the mother Church have abated so much of her common right when it was for the good of the parishes, is it not necessary that the parishes now abate of their property in their respective endowments, by pensions to these colleges, now they appear to be for the good of the diocese? And this I am now bold to profess, though superiors do not go before in it, because I am confident that by this position, I abate not a hair of that power which the bishops in England now use, but I add much to the strictness of discipline (that is, in effect, of Christianity), by requiring all ordinations, all acts of jurisdiction *in foro exteriori*, to pass both

the presbyters and the bishop.”—*Thorndike’s due way of composing the difference on foot, preserving the Church.* 242 ; printed with his Weights and Measures.

The well-known passage in Hooker (vii. 7.) need only be referred to.

## K.

The intention of king Henry VIII. in respect to the restoration of Provincial Councils will be seen from the following facts.

The 25th, Henry VIII. c. 19, “ The submission of the clergy, &c.” took out of the hands of the metropolitan the power of summoning convocations without the King’s licence : and also from convocations so assembled the power of making canons without the royal permission. It also provides for the appointment of thirty-two persons (sixteen being of the clergy) to review the ecclesiastical laws, &c.

The 27th, Henry VIII. c. 15, after citing these clauses, proceeds to empower the king to appoint thirty-two persons to reform the canon law, &c. The 35th Henry VIII. c. 16, extends the same power :

“ Pursuant to the powers given by this Act, not only the thirty-two persons were appointed for reformation of the Canon Law, but they had drawn the whole into form, so as nothing was wanting, but the confirmation of the king ; as appears by the letter or act of confirmation, which was ready prepared, and which is now prefixed to the book entitled, *Reformatio Legum Ecclesiasticarum.*”—*Bishop Gibson’s Note, Codex*, vol. ii. p. 951. i.

King Henry died before any thing was concluded.

“ The same power was given to king Edward VI. (3. 4. Edward VI. c. 11.) but was again arrested.”—*Gibson’s Codex*, vol. ii. pp. 949—952.

Bishop Gibson’s note is as follows :

“ This design of a body of ecclesiastical laws having been defeated by the death of King Edward VI., rested until the year 1562,

when it was proposed in convocation to move her majesty 'that certain learned men, bishops and others, might be appointed to set down ecclesiastical orders, and rules in all ecclesiastical matters for the good government of the Church of England, as should by them be thought most meet. And the same in this present session of Parliament, whatsoever they shall order or set down within one year next to be effectual, and for law confirmed by Act of Parliament, at or in this session' "

" Afterwards by the endeavours of Archbishop Parker it was set on foot in the Parliament of the 13th Elizabeth, and by a leading member recommended to the consideration of the House of Commons, but after that we hear no more of it.

" Preparatory to the gaining a parliamentary establishment at that time, care was taken to have the whole work published, as we now see it by John Fox, the conclusion of whose preface plainly intimates the main design of the publication: ' Optandum, quod per præmaturam mortem Regis illius negatum est ecclesiæ felicitati, per felicia tempora Serenissimæ Reginæ nostræ Elizabethæ suppleatur, accedente publicâ hujus nunc parlamenti auctoritate.' "

—*Gibson's Codex*, vol. 2. p. 952, note †.

In the *Reformatio Legum Ecclesiasticarum*, the 18th chapter of the section De Ecclesia et Ministris ejus, &c. is as follows :

" *De Synodis*.—Si contigerit in ecclesiâ gravem aliquando exoriri causam, quæ sine multorum concilio episcoporum haud facile possit finiri, tum archiepiscopus ad cujus Provinciam ea causa pertinet suos Episcopos ad provinciale concilium evocabit. Nec eorum quisquam recusabit venire, modo valetudine adversâ non impediatur; quod si morbo gravatus fuerit, alium pro se mittat, qui et suam excuset absentiam, et de his quæ tractabuntur pro se respondeat et definiat. Verum concilia hæc provincialia sine nostrâ (Regiâ scilicet :) voluntate ac jussu nunquam convocentur."

THE END.



